

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Bianchi et al.

Serial No. 10/699,175

Filed October 31, 2003

OPEN INTERVERTEBRAL SPACER

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) Before the Examiner
) Not Yet Known
)
) Group Art Unit
) 3738
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure in accordance with 37 CFR §1.56, Applicant wishes to bring to the attention of the Examiner the patents, publications, and/or other information listed on the attached PTO Form 1449 (modified).

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted after the filing of the application but before receipt of a first action on the merits. It is believed that no fee is required for consideration of the submitted items. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as **first class mail** in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

April 19 2004
(Date of Deposit)

James B. Myers, Jr.

Name of Registered Representative

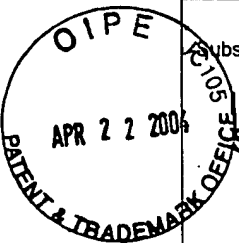
James B. Myers Jr.
Signature

April 19 2004
Date of Signature

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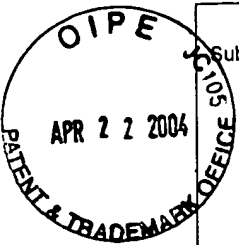
Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	10/699,175
				Filing Date	October 31, 2003
				First Named Inventor	Bianchi
				Group Art Unit	3738
				Examiner Name	
Sheet	1	of	4	Attorney Docket No.	4002-3441

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)			
		3,486,505	05-1967	Morrison	
		3,848,601	11-1974	Ma	
		4,309,488	01-1982	Heide et al.	
		4,545,374	10-1985	Jacobson	
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		5,282,861	02-1994	Kaplan	
		5,306,302	04-1994	Bauer et al.	
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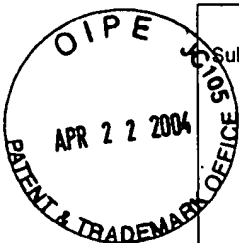
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		5,857,995	01-1999	Thomas et al.	
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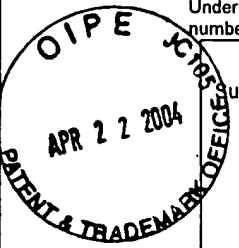
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² -Number ³ -Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
		EP 0 077 159 A ✓	04-1983			
		GB 2 207 607 A ✓	02-1989			
		EP 0 307 241 ✓	03-1989			
	*	DE 37 41 493 A1	06-1989			
		EP 0 392 076 ✓	10-1990			
		WO 95/08306 ✓	03-1995			
		WO 95/15133 ✓	06-1995			
	*	WO 96/22747	08-1996			
		WO 96/40013 ✓	12-1996			
		WO 97/13378 ✓	04-1997			

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 97/15248 ✓	05-1997			
		WO 97/25945 ✓	07-1997			
		WO 98/17209 ✓	04-1998			
		WO 98/17330 ✓	04-1998			
		WO 01/70144 ✓	09-2001			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		AcroMed Spine Tools, <i>PLIG Instruments</i> (undated)	
		AcroMed, <i>Brantigan I/F Cage</i> , (undated)	
		Albee, Fred H. MD, <i>Bone Graft Surgery in Disease, Injury and Deformity</i> , published by D. Appleton-Century Company (1940)	
		AcroMed, <i>Brantigan I/F Cage™ for PLIF</i> (1991)	
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		Sofamor Danek, <i>Surgical Technique Using Bone Dowel Instrumentation for Posterior Approach</i> , LIT.PLIF.ST96 (1996)	
		Sofamor Danek, <i>Surgical Tips Posterior Approach</i> (1998)	
		University of Florida Tissue Bank, Inc. <i>Allograft Catalog</i> (1998)	
		Vaughan, John J. MD, <i>New and Innovative Fusion Techniques</i> , The Kentucky Spines Inst. (Dec. 1998)	

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